

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES OF THE  
CARPENTERS HEALTH AND WELFARE TRUST  
FUND FOR CALIFORNIA, et al.,

Plaintiffs,

v.

SAUL M. CRUZ, individually and doing  
business as SMC MODULAR INSTALLATION;  
MAGDALENA L. CRUZ, individually and  
doing business as SMC MODULAR  
INSTALLATION; SMC MODULAR  
INSTALLATION; and DOES 1 THROUGH 10,  
inclusive,

Defendants.

No. C 08-1067 CW

ORDER ADOPTING  
MAGISTRATE JUDGE'S  
REPORT AND  
RECOMMENDATION

The Court has reviewed Magistrate Judge Spero's report and recommendation that Plaintiffs' motion for default judgment be granted. No objections to the report and recommendation have been filed. The Court finds the report correct, well-reasoned and thorough, and adopts it in every respect.

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion for default judgment is GRANTED IN PART and DENIED IN PART. The arbitration awards are hereby CONFIRMED, and Defendants are ordered to comply with their terms. Pursuant to those terms, Defendants must submit to an audit of their books and records by

1 representatives of the Northern California Carpenters Trust Funds.  
2 Defendants must provide the auditors with copies of the records  
3 described in the arbitration awards.

4 The arbitration awards further require Defendants to pay  
5 \$311,253.82 in waiting time, unpaid wages and benefits, liquidated  
6 damages and audit costs. In addition, Defendants must pay  
7 Plaintiffs the sum of \$8,888.60, representing \$5,371.25 in  
8 attorneys' fees and \$3,517.35 in costs incurred in connection with  
9 this lawsuit.

10 Claims two through seven in the complaint are dismissed  
11 without prejudice.<sup>1</sup> The Court will retain jurisdiction over this  
12 matter to ensure compliance with its orders and to confirm any  
13 amended arbitration award that may be issued as a result of future  
14 audits. The Clerk shall enter judgment and close the file.

15 IT IS SO ORDERED.

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17 Dated: 8/13/08



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CLAUDIA WILKEN  
United States District Judge

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27 <sup>1</sup>The first claim in the complaint is for confirmation of the  
28 arbitration awards. The Report and Recommendation mistakenly  
refers to the remaining claims as claims four through nine. In  
fact, they are claims two through seven.